



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE**

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September 21, 2012
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Blalock
Commissioner Davis
Chair Garrett (Phone)
Commissioner Hewitt
Commissioner McDaniel
Commissioner Osborne
Commissioner Pierce (Phone)
Commissioner Walker (Phone)
Commissioner Wurzburg (Phone)

Commissioner's Absent:

Commissioner Cocke
Commissioner Jones
Commissioner Miller
Commissioner Pride
Commissioner Starling
Commissioner Wiggins

Staff Present:

Beverly Watts, Executive Director
Sabrina Hooper, Deputy Director
Shalini Rose, General Counsel
Tiffany Taylor, Title VI Compliance Director
Susannah Taylor, Special Assistant to Executive Director/Communications Specialist
Lisa Lancaster, Executive Assistant
Richard Gadzekpo, Housing Coordinator
Tracy Davidson, IT

Guests:

Allen Staley, Shared Services Solutions
Bobbie Porter, TSU
Tiffany Cox, TSU

Call to Order

Chair Garrett called the meeting to order at 9:06 a.m. CDT. Chair Garrett apologized to those in attendance for her absence at the meeting and noted that she was in transit and informed those present that Commissioner Osborne would be leading the board through the agenda at the meeting. Roll Call was taken by Commissioner Osborne and the meeting was called to order and asked for a moment of silence. Minutes of the July 2012

meeting were reviewed. Commissioner Hewitt made a motion to accept. Commissioner Pierce seconded the motion. A vote was taken and passed.

Release of the Annual Report

Executive Director, Beverly Watts noted that each attendee was provided a CD that contains the Annual Report and that those in attendance could see it projected on the wall. The Annual Report will be posted on the website on Monday, September 24, 2012. A copy of the CD will be sent to those who did not attend in person.

Executive Director Watts acknowledged Bobbie Porter and Tiffany Cox's arrival and noted that Ms. Porter actually worked on the design of the cover of the Annual Report and thanked her for her contribution. It was noted that the layout and design are similar to last year with some changes and updates to the history pages. As we work on our 50th Anniversary over the next year our history section will be expanded.

The overview of the accomplishments for the year include the April 4, 2012 Open Door Award from the April 4th Foundation in Memphis where we put together a three minute overview of who we are and what the agency has accomplished over the years. She noted we signed a partnership agreement with the National Community Reinvestment Coalition (NCRC) and we are continuing to work on that partnership. There is an event coming up in October which we will tell you more about later.

This year has been a challenge with a lot of staff comings and goings. We have said goodbye to seven staff members and hello new staff and are getting ready to say goodbye to one more. The good news is that we had great staff that left and we now have great staff replacing them.

The Title VI Compliance Program saw a 63% improvement in state agencies Implementation Plans. This was due in large part to Marcus Thomas who left us on September 30, 2012. I will introduce our new Title VI Director during the Executive Director's report.

The Legal division lost an associate general counsel; hired an associate general counsel and had a little baby. They were still able to review 477 cases for closure and we had six cause cases this year. It has been a challenge because our General Counsel just came back to work on Wednesday after an absence and our associate counsel has been in and out during the summer but they have never wavered in terms of getting the work done and making sure things were complete. We want to thank them.

The housing division continues to close a large number of cases within 100 days and as of June 30, 2012 we were at 71% of our cases closed within 100 days or less and the HUD standard is 50%. The housing unit also conciliated 34 cases with \$33,000 in monetary benefits for complainants.

The Employment division conciliated 17 cases resulting in \$48,803 in monetary benefits and non-monetary benefits which include job reinstatements, attorney's fees, promotions, etc. We had a total of \$179,000 in monetary benefits resulting from mediations and

conciliations. Of our mediations, 22 were successful which shows a 50% success rate with respect to mediations and there was \$96, 857 in benefits. One of the most successful programs continues to be Mediation and it occurs before we go into conducting an investigation and it reduces the time we spend on investigation and it also gets to resolution a lot quicker. Right now we have 12 mediators and will train 3 more this year. In employment we filed 552 complaints and closed 446 and in housing we closed 113 cases and filed 129 this year. They continue to close cases at a faster rate decreasing the time that they close cases by 14%

Education and Outreach had a record breaking year, every week we were somewhere from February until May. I don't think anybody stayed home for more than a day before they were on the road again. We had 157 attendees at our Employment Law Seminar and we co-hosted a Fair Housing Celebration in Memphis.

Customer Service continues to take calls with a 17% increase in the number of complaints sent out to citizens. You will see that customer service had approximately 10,000 calls and 1,444 complaint forms delivered to citizens.

Our Board of Commissioner's pictures are in the report and the rest of it is a summarization.

The Legal section reviewed 477 cases. Six cases were cause cases of which 1 case was conciliated. We had 29 reconsiderations. More details about these cases and other information is in the annual report. House bill 3345 passed which regulates charter schools relationship with foreign entities and limits the hiring of non-immigrant foreign workers by charter schools and it took effect on July 1, 2012.

Title VI has a separate annual report so when you go to the website you will find a link to it on page 35. The Title VI report identifies every state agency, their compliance and/or non-compliance. We will make sure that we get you a hard copy that the Title VI report and send that out with your disc so you can have it. Thirty-two (32) agencies were in compliance with Title VI, ten (10) agencies were not in compliance and two (2) agencies were untimely in filing the Implementation plan. Marcus provided those details to you in April along with a chart. These details are in the Title VI annual report. We completed the onsite for 2 compliance reviews. The reports will be in next year's report. Title VI also completed one special investigation involving the Arts Council.

In Education and Outreach you will note that there were 48 presentations; 51 events and 19 exhibits with a total of 93 events where we reached over 20,000 people. The Employment Law Seminar had 157 attendees and we provided 6.25 hours of continuing legal and HR education credits.

This is our Annual report that we present to you for your approval. Commissioner Davis made a motion to accept the Annual Report. The motion was seconded by Commissioner Blalock. A vote was taken and passed.

Executive Director's Report

Executive Director, Beverly Watts continued reporting that at the last meeting we had two vacancies and we have filled both vacancies. The Title VI Director as well as the secretary position for Title VI. The new Title VI Director is Tiffany Taylor who started on August 27, 2012 and has been working diligently along with LaShondia Chambers who filled in for a month and I would like to publically acknowledge and thank her for her work of holding down the ship until we could hire someone. We have an Administrative Assistant that is scheduled to start on Monday for Title VI which makes this division fully staffed.

We do have a resignation effective next Friday. Pat Ladd Warner will be leaving the intake unit because she has taken another position. We are working to fill that position as quickly as possible.

I would like to point out that in addition to staff vacancies there are a number of commissioners whose terms expired on June 30, 2012. We have asked the Governor to reappoint Commissioners Osborne, Cocke, Davis and Blalock. We are not sure of what the status is on our request for reappointment but we have been told that appointments will be made sometime in October. We also know that Commissioner Pride is now a Judge in Jackson in Chancery Court and we offer our congratulations to him. As a result of him being an elected official, he resigned from the commission.

Commissioner McDaniel made a motion to accept the Executive Directors report and Commissioner Hewitt seconded the motion. A vote was taken and passed.

Education & Outreach Committee Report

Chair McDaniel asked Executive Director Watts to give a summary of the meeting. She noted that the Education and Outreach committee met on September 4, 2012 via teleconference and during that meeting discussion was held around determining what to do about the 50th Anniversary. A lot of ideas and issues came out and what was decided was that Commissioner Patricia Pierce and Commissioner Jocelyn Wurzburg were asked to co-chair a sub-committee of the Education and Outreach committee for planning the 50th Anniversary. We continue regarding the agency history.

This report is presented for approval along with approval of the two individuals of this subcommittee to begin planning the 50th Anniversary of the organization which is September 13, 2013. Chair McDaniel added we would seek to broaden this committee to include not only fellow commissioners and staff but also former commissioners and staff and non-staff who have been involved in this work for a least a portion of this 50 year period.

We did not state the pathway for adding to the committee but it is presumed that we would allow the two co-chairs to do it. If there is anybody who wants to volunteer we would certainly be accept them.

Chair Garrett asked if we could adjust the agenda so that she could be present for a certain agenda item.

Commissioner Osborne noted that it would be appropriate to adjust the agenda after we approve the current report. Commissioner Davis made a motion to accept the report. Commissioner Blalock seconded the motion.

Commissioner Wurzburg added that she attended a SHRM meeting on Friday of HR professionals where our Director was on a panel and I wanted to report to the commission that our director was the star of the panel.

A vote was taken and passed. Commissioner Osborne noted that we could agree by consent to adjust the agenda in deference to our Chair and the commission agreed.

Performance Review of Director Watts

Chair Garrett explained that a couple of months ago she formed a special committee to review Director Watts's performance and to review her equity in pay because she has not received an equity increase since she began in 2007. As a result of the work of that committee they put together a review of her work and Commissioner Osborne has a list of the 11 points which we would like to share with you.

At the end of the committees review it recommends that the board approve an equity increase in pay for Director Watts based on her meritorious service She asked Commissioner Osborne to share that with the commission.

Commissioner Osborne noted that this committee that the chair convened looked at 13 areas that are listed and has come up with a list of accomplishments, which were talked about and if you would like more detail about that, he would be happy to provide it to you. Along with the list of accomplishments the committee is recommending a monthly increase in the amount of \$1,790.67 effective September 1, 2012.

That is the nexus of that review of her 5 years of being here. If approved by this board then a letter will be drafted for the Department of HR to put that into effect. Commissioner McDaniel noted that this would be a recommendation. Commissioner Osborne said a recommendation of the board to the state for her to get an increase, the first in 5 years.

Chair Garrett added that we have room in our budget for this increase. There is more than adequate budget for this increase.

Commissioner McDaniel moved to accept the recommendation of the special committee. It was seconded by Commissioner Pierce A vote was taken and passed. Commissioner Osborne noted that it was approved unanimously. Chair Garrett added thanks to Director Watts and noted that this was well deserved. Executive Director Watts expressed her thanks for the support of the Commission.

Law & Legislation Committee Report

Chair Wurzburg noted that the committee met in August and the minutes of the meeting are in your commission materials. This meeting is in regard to the case that we have affectionately called the stir fry case where someone wanted to justify his discrimination toward national origin not liking the way prospective renter of his property would cook.

The case finally went to an ALJ and he found that there was discrimination and he ordered civil penalties against the respondent of \$1,000; that the woman who applied to rent the apartment received compensatory damages of \$1,500; the commission received a cost assessment for the commission, but the issue is that Mr. Lui who made the call on behalf of the complaining party and he has objected to damages that were awarded to him stating that it was not enough.

He is aggrieved saying that he has a tremendous amount of stress and even expenses for driving up from Georgia to attend the hearing and he is dissatisfied and he has asked to appeal the case wanting more while he was awarded \$750 he wanted a total of \$500,000 for his role in this. He has brought up all kinds of questions regarding this that the committee discussed.

Chair Wurzburg asked General Counsel Rose to take over and explain what it is that we were asked to do in the form of an appeal. The committee did err on the side of going forward with the appeal. She asked General Counsel Rose to explain our next step in the procedure.

General Counsel Rose noted the August 17, 2012 committee meeting and it came down to deciding whether the commission would accept the appeal. They decided to accept the appeal and move forward by asking the party to submit written briefs within 30 days and let us issue an order. The brief needs to address whether Mr. Lui actually has standing to appeal as there were questions as to him being the aggrieved party and him having a favorable outcome.

The second issue is more on the merit of damages. His appeal actually listed all kinds of stuff that the committee found to be outside the scope of the agency to review. We are going to focus on the issue of damages and why that should be changed from what the ALJ awarded him.

An order was drafted and sent to the committee members today and hopefully we can enter that next week and then it will be 30 days from that date that the briefs will be due. Then the committee will meet again before the November meeting and will make a decision and report back to the full board for a vote.

Chair Wurzburg noted that no action was required by the board today. Commissioner Osborne noted we would receive the report as information and move forward. Commission McDaniel moved to receive the report. The motion was seconded by Commissioner Hewitt. A vote was taken and passed.

Budget & Audit Committee Report

In the absence of Chair Miller, Executive Director Watts noted that the Budget & Audit Committee met on September 17, 2012 and went over the budget. Allen Staley will come and give an overview of the budget and we will need approval as it is due to be presented to the Budget Committee at Finance & Administration on October 1, 2012.

Allen Staley noted that it was budget time again and it seems like it rolls around quicker each year. He indicated he would like to do just go through it briefly by the sections in your notebooks.

The first page is the overall budget at a high level and notes that we are requesting for the fiscal year 2014, a total budget of \$2,460,800 in total funding which is comprised of approximately \$1.9M in personnel costs and approximately \$600,000 in other expenditures.

The funding source would be the departmental revenue comprised of the EEOC funds and HUD funds of \$774,300 and then the state appropriation requested is 1,686,500. The commission is authorized for a staff of 29 positions.

The next page gives more breakout of the budget with some comparison information and has the actual cost for fiscal year 2012, the year just completed on June 30, 2012. We were able to complete the year by meeting the required savings target of just over \$100,000. We were able to save about \$16,000 and will carry that forward into future years

The estimated column is the current year budget for 2013 and the base request column is for the fiscal year 2014. The next page breaks out the expenditures into more detail for personnel cost and operational costs as well as the actual funding sources. There are no major changes in the 2014 request and we always start off with the estimated amount from 2013 budget so they are almost identical.

We did make one small adjustment in the professional services 3rd party where we increased that to \$47,000 to be in line with actual expenditures from the year we just completed and then we lowered the supplies category to be more reflective of what was actually expended for that account code. The budget remains at the same level as the fiscal year 2013.

The next two pages are additional subsidiary information for certain account codes. It breaks out with more detail the professional services 3rd party which includes such things as advertising, speaker's costs, organizational membership dues and publication subscriptions. It also highlights other account categories such as supplies, rentals and insurance, grants and subsidies category, computer related. At the bottom are the professional services of state agencies which are the costs that are charged by other state agencies for administrative type of transactions.

Commissioner McDaniel asked does this budget reflect any increased costs for the celebration or will that be an independent budget? Executive Director Watts noted that it does not reflect any additional. What we are doing is looking at the existing budget to see how we can do something. We are also going to be looking to see if we can write a grant to do some educational types of things. The event is in the 2014 budget and we wanted it to be self-sustaining but we are looking to write some grants to some organizations to see if we can get some additional funding.

Mr. Staley added that we are not anticipating it to exceed the existing budget authority that has been requested and if we find that we need an adjustment we will address it at that time but we are not anticipating a need to ask for an improvement item or a cost increase item. Commissioner McDaniel noted that there would not be a need for having another authority to sanction an increase to the budget at this commission would provide for the special occasion, would it?

Executive Director Watts noted that if we had additional funds we would have to get authority to spend it in unless it was like our Employment Law Seminar where we actually raised the funds through registrations and then we could spend it on the event. We could set those up without any additional authority. In the discussion we talked about the event being self-sustaining to the extent that it could. There is additional Education and Outreach funds and we will be looking to move some of those around but not a lot, like for speakers if it might be necessary.

Commissioner McDaniel just wondered if we might have to add to our budget and Mr. Staley noted that at this time we don't think so. We don't anticipate the expenditures being that large so that we would be needing additional budget authority to spend those dollars and as the director said we already have that current services revenue line item and with that we already have the ability to charge the fees to help make it self-supporting so we are not anticipating the need to do anything special for that. If we find out that we do, we will address it at that time.

Commissioner Wurzburg asked if our budget reflected our previous motion. Mr. Staley answered yes; there is budget authority to handle the previous question. Chair Garrett also added that we did check that before we made that recommendation and there is more than adequate coverage in our budget for that last recommendation.

The next section is just an overview of the Human Rights Commission, what it does the benefits of the organization and the next page comes out of the strategic plan. Every agency is required to fill out a strategic plan and it is published work that the budget office puts out. The commission has a couple of compliance measures that are listed and they are the average annual case closures for both EEOC and HUD.

The next four pages break out the main programs within the Human Rights Commission which are administrative program, housing program, employment program, legal services, communications and Title VI. This is the primary budget report for 2014. There is not any dramatic improvement items requested. It is at the same level as fiscal year 2013.

Another piece of the budget is that we were given instructions to come up with what it would look like for a 5% budget reduction. We have been doing this type of exercise for the past several years. We have identified some areas where we will make reductions if the Governor recommends them. At this point we don't know if they will actually do 5% reductions. Sales tax revenues for the past several months have been better than anticipated so hopefully they won't take all of the 5% if any.

But we did treat this seriously and prioritized the budget recommendations and the amount of reductions at 5% of state appropriated dollars is \$84,000. We need to correct this amount to \$84,500 per the Budget office so we will make that small adjustment in our request.

There are five items listed under reductions. The first item is a reduction from longevity and this \$8,300 would not be a major impact as we have an excess in this account code. The second item is a reduction in leased space. The director has been working with General Services to reduce the cost of the Chattanooga state offices and this reduction is contingent upon a rate reduction and that would save \$6,700.

The third item is a reduction of benefits equity and advertising. The benefits equity is difference between the amounts required to fund personnel benefits which is what we actually have budgeted and we have some excess there. If we have to go to this level we would propose reducing this by \$10,000 and reducing advertising with Clear Channel by \$8,000 on their contract.

The fourth and fifth items are additional various, operational reductions for a total of \$28,100 in categories such as printing, communications, supplies, vehicle operations with an additional amount in equity. And the fifth item is \$23,200 and if you want to see the actual account detail, the last few pages show you the actual accounts where the reductions would be taken.

Commissioner Osborne asked for the sake of completeness where we would put the other \$200 from the correction. Mr. Staley responded that we would increase the fifth item probably in the communications item.

Executive Director Watts added that not only will the Chattanooga office will be reduced in space but so will Knoxville and Memphis. We are moving under some plans for the Chattanooga office so it is out ahead of the other two. However there is a statewide reduction in space going on and three of our offices are on tap for space reduction. We have received no communication as to when that will happen. There is probably some more savings in 2014 in both our Knoxville and our Memphis office but we are not sure what that looks like.

We believe that Chattanooga will be in their space before or near the end of this fiscal year so that the saving would be done. They are working on permanent space for our Chattanooga office which has already been moved to temporary space and they will go into permanent space sometime this year. They have identified what the cost savings will be. The other two offices will also be reduced because our space is much larger than the staff we have in them.

Memphis will accommodate up to six people but we have two and the Knoxville office will accommodate seven but we have five. The Knoxville office might be the least amount of savings because we have just moved another position back to Knoxville from Nashville. The Memphis office will be significant savings along with the others. We do not have the plans to move forward in Memphis and Knoxville but we do have a plan for Chattanooga.

Commissioner McDaniel noted there was an article about getting rid of the McCallie Avenue building all together. Executive Director Watts noted that it was a possibility but they are currently redoing floors in that building. We were in the building and they are actually redoing floors to relocate staff and they are going to an open design. They are reducing every office of every employee and then they are bringing people back into the building from outside.

The state hopes to save multi-million dollars by bringing people back in from leased space and that there is enough space in current buildings to house most if not all state employees currently throughout the state. This is every city where there is a state office building they are looking at it. Our Nashville office will not be involved in that because our space is pretty tight and we have space for three more people.

Commissioner Davis made a motion to approve the report and it was seconded by Commissioner Hewitt. Commissioner Osborne noted that if you vote yes on this motion you will be approving the budget and Audit committee report and the budget including the 5% contingency as revised. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reported on the period July 1, 2012 to August 31, 2012 during which 185 inquiries were received and 99 were accepted for investigation and 86 of those were dual filed. We closed 139 cases with a closed charge age of 291 days. Our open inventory at the end of August is 294 cases with an average charge age of 187 days. During the same time period we had 12 mediations which closed and resulted in \$21,130 in monetary benefits to the complainant. There were five settlements with no monetary benefits.

In comparison to last year we received 143 inquiries, which resulted in 89 charges and 75 of those were dual filed. During the same time period the agency closed 91 cases with a closed charge age of 283 days. Our open inventory at the end of August 2011 was 321 cases with an average open charge age of 241 days. Four mediations closed resulting in \$1350 in monetary benefits and three settlements resulting in \$20,905 in monetary benefits.

In looking at the comparisons our inquiries and accepted charges are up 29% and 11 % respectively and we had a strong fourth quarter and closed out our EEOC contract. We increased our case closures by 53%. When we look at open inventory we are down 8% and we anticipate with the loss of an intake that will go down a little bit just because of the slowdown in perfecting charges.

Some upcoming events, Governor's Housing Conference on October 9 & 10 with the NCRC Partnership- on the 10th and the 11th they will be covering HMDA data for us and on the 12th with our staff. You are welcome to join us on any of those dates.

We have an investigators training meeting on October 25, 2012 and we have an all staff meeting on December 5, 2012.

We had a vacancy in housing for an investigator that has been filled by Kelly Cannida and Richard will give more details in the housing report.

A motion to accept the Employment and Housing reports was made by Commissioner Hewitt and seconded by Commissioner Blalock. A vote was taken and passed.

Housing Case Report

Housing coordinator, Richard Gadzekpo reported on the period July 1, 2012 to August 31, 2012 when 40 inquiries were received and 26 were accepted for investigation. The primary bases continue to be race and disability. Of the 26 for the period disability was the number one bases of complaints followed by race and we have a tie with regards to gender, national origin and familial status. We closed 7 housing complaints and 2 were THRC only cases. The other 5 were dual filed. The chart will reflect both dual filed cases.

I have brought to the attention of the staff that we started on a low note this year so we need to work harder than we have done the previous period. There were no conciliations for the period under review and hence no benefits.

As I was reviewing, I noticed that the case closures were quite low and I want to watch and review this to warn all of our staff immediately and much more so that affected the case processing age. With the new staff coming in I anticipate improvement.

With our HUD efficiency goal we are at 20% which is not good but then we have noticed that and are going to do our very best to come up to where we need to be. Our new employee Kelly has already attended week one of NFHTA and was assigned her first case yesterday and she is excited and looking forward to working hard.

We have also completed our HUD Performance Assessment and the report came in yesterday and we have not looked at it in detail but as soon as we do that we will get back to you with detailed reports.

Commissioner Hewitt made a motion to accept the housing report. Commissioner Davis seconded the motion. A vote was taken and passed.

Legal Report

General Counsel, Shay Rose thanked all of the staff who helped out while she was out. Everyone picked up from Sabrina, Richard and of course Rachel. I am proud of her and she also had some personal issues this summer but she really stepped up. I took over when she needed me to and she took over when I needed her to and we really worked together. I am very happy that she is doing so well here.

For the period July 1, 2012 to August 31, 2012 in employment we closed out 53 cases to close out the EEOC contract. With housing we closed 17 cases and processed 7 copy requests.

We will be going to the Governor's Housing Conference in October and we will have investigator training on October 25, 2012.

There are four cause cases and one is employment and the first one is the correction officer that we thought was terminated based on race. We came to that conclusion based on the other correction officers who were not African American that were given a lot more leeway than he was and that has actually been set for a hearing at the end of November. The judge tried mediation and the parties were not together for that.

In Housing the first case is the affectionately called the “stir fry” case which went to a hearing and the judge found in the commission’s favor and that appeal is before you and should be finalized by November at the next board meeting.

The next case is another housing case for failure to make a reasonable modification based on disability. The child needed the use of a wheelchair and they wanted a ramp on a rental home and the respondents agreed initially but when they saw the ramp, they said it was a real eyesore and asked them to take it down. They advised them to put it in the garage but the problem with that was that it was electronic and there was no way they could get in or out if the electricity went out.

The people who were supplying the ramp were a non-profit company and it would not meet their safety regulations to have it in the garage. There was no way they could have it out back either based on the length of the ramp and it was on a hill. This case did not mediate but will be going to a hearing. It was filed with the ALJ and we are waiting on a prehearing conference. We filed it in June and have not heard back from the Judge yet so we have filed a motion to get it moving.

The third case is another disability case based on a reasonable accommodation as the complainant was a person with a disability and asked for a specific handicapped accessible spot and the respondent did not give it to her. This case settled for \$10,000 to the Complainant, \$1,500 to THRC for education and outreach and the respondent will undergo training. This is a case that was initially found no cause and it was reconsidered with new evidence, which is kind of rare to happen.

Executive Director Beverly Watts publically thanked both Shay Rose and Rachel Appelt for doing a great job while managing a little one and Rachel was managing family issues and we did not miss a beat and I just want to publically acknowledge both of them for their hard work.

Commissioner Wurzburg asked if the case about the ramp is a single house that the respondent has for rent or is he in the business of renting houses. General Counsel noted that he has several rental properties but this one is a single family home but he has other rental properties.

Commissioner Wurzburg asked “was the objection to the ramp going into the garage that he then would not be able to close the door?” General Counsel Rose explained that it was objected to by the complainants because they were getting a non-profit agency to pay for the ramp and they said they could not put it in the garage because of safety issues and then also they would not be able to close the garage door because it was electronic and so if the power went out due to a fire or something there was no way to get the child out of the

house safely. So they would either just have to have the ramp in the garage and leave the door open all the time which was not a reasonable option and then the non-profit company would not install it there so the complainant would have to pay for it themselves to be installed in the garage and the doors would have to remain open all the time.

Commissioner Wurzburg raised several questions and the reasons for the reasonable accommodations. Executive Director Beverly Watts added that this case is going to hearing and the Law and Legislation committee will probably hear about what we are going to do about this case and then the commission body will hear updates about it.

General Counsel Shay Rose said you have reasonable accommodations in housing and the common thinking is that you have to err on the side of what the complainant wants because they know better than anybody what is needed to help them accommodate their disability.

Commissioner McDaniel made a motion to accept the legal report. Commissioner Hewitt seconded the motion. A vote was taken and passed.

Outreach & Education

Communications specialist, Susannah Taylor reported on the period July 1, 2012 to August 31, 2012 and during the period we participated in 9 events which included 3 exhibits, 7 educational presentations or speaking engagements and 4 events attended which reached a total of 1,743 individuals.

There were a variety of larger events that included the TARP center's annual ADA celebration in Paris, TN; The International Association of Official Human Rights Agencies Conference; the Tennessee labor Management Summer Conference and the smaller events such as two NAACP events one in Nashville and Murfreesboro.

Executive Director Watts spoke at the Wilson County Chapter of the Society for Human Resource Management Branch in Lebanon. We also attended the TN Immigrant & Refugee Rights Coalition's American Dream Banquet and had an exhibit at the TN Labor Management Summer Conference and the Annual Umoja Festival in Johnson City.

There were several articles published during the period one written by Commissioner Wiggins on teacher quality in public school was in the Tennessean; Commissioner Pierce had an opinion article published in the Knoxville Sentinel discussing the equality of voting rights and the importance of voting; the Jackson Sun ran a story on the THRC and NCRC partnership generated from a press release written by consultant Paula Casey.

We did have a reporter from the Hamilton County Herald asked about a photo of Executive Director Watts to accompany a story set to run on September 7, 2012 about the NCRC and THRC partnership.

Special Projects officer Frank Guzman responded to 31 telephone calls from Hispanic callers and explained the role of THRC, sent out complaint forms and referred callers to other agencies as appropriate.

During the month of August we received translation requests for Arabic for a total of 79 minutes and Spanish for 4 minutes.

Upcoming events are the Urban League Gala event on October 25th in Knoxville. There are seats available for the YWCA Academy of Women Achievement on October 30 in Nashville. These invitations were sent out via email and if you would like to attend these events please let Susannah know. Executive Director Beverly Watts noted that the YWCA October 30th event will honor our Chair, Stacey Garrett.

The 50th Anniversary Sub-committee will meet on October 6th at 10 am CDT; October 17th at 9:30 am CDT; November 7th at 10 am CDT. Anyone interested in helping with the planning of the Anniversary event please let co-chair Wurzburg or Pierce know. Email notification will go out to all commissioners about these dates.

Commissioner Hewitt made a motion to accept the Communications report. Commissioner Davis seconded the motion. A vote was taken and passed.

Executive Director Watts added that General Counsel of EEOC, David Lopez will be coming into town next week and will be giving a presentation at Waller Lansden and has asked us to put together a group of individuals to meet with him here at our offices on the morning of the 25th at 9:30 am. An email will be forthcoming with details of this meeting.

Also she is headed to Jackson to attend the NAACP meeting and where she will make a presentation on Saturday. She also noted there are seats available for the Freedom Fund Dinner where the Vice Chair of the NAACP, Leon Russell will speak.

Title VI Compliance Report

Title VI Compliance Director, Tiffany Taylor reported on the period July 1, 2012 to August 31, 2012 and during the period the Title VI Annual update and Training to agencies state wide. There were 65 individuals present that represented 37 agencies. The training was held on July 12, 2012.

Exit interviews were also completed for the two agencies for which we conducted on site compliance reviews and those preliminary findings are under review. We issued two policy guidelines on training staff and clarification on which agency operations apply to Title VI provision.

Two vacancies were filled and we received 53 inquiries and 2 were filed as complaints. For the year the Title VI compliance program received 56 more inquiries in fiscal year 2011-2012 when compared to 2010-2011. Of the 383 inquiries in 2011-2012 60 or 16% were filed as complaints.

She also noted that Implementation Plans are due on October 1st and we have completed the Annual report for the General Assembly.

A motion was made to accept the Title VI report by Commissioner McDaniel and seconded by Commissioner Davis. A vote was taken and passed.

Announcements

Commissioner Pierce shared that on October 2, 2012 at 9:00 a.m. in room 12 at Legislative Plaza; the Tennessee Economic Council on Women will have their first sunset hearing and invited any commissioners to attend. They do a lot of work for women in particular in the economic area and they are having the Economic Summit on October 22, 2012 and she noted that our Executive Director, Beverly Watts will be one of the speakers. It will be at the Airport Marriott. It will be a really good event that will include Lilly Ledbetter as the keynote speaker and there will be other sessions. She will send out notices to all commissioners with additional information.

Also on October 12, 2012 Women in Higher Education of TN will be held at Cumberland University and she will be speaking at this event.

Chair Garrett thanked Commissioner Osborne for handling the meeting in her absence.

Commissioner Osborne acknowledged our former employees Tiffany Baker Cox and Bobbie Porter that were guests at the meeting.

Commissioner Osborne noted that the next meeting is November 16, 2012 and adjourned the meeting at 10:50 a.m.